

May 1, 2018

Mr. Ken Tyrrell
Executive Vice President
Project Coordinator – Portland Harbor
Design and Consulting Services Group
AECOM
1111 Third Avenue
Seattle, Washington 98101

RE: Notification of Deficiency
Administrative Settlement Agreement and Order on Consent for Pre-Remedial
Design Investigation and Baseline Sampling, CERCLA Docket No. 10-2018-0236

Dear Mr. Tyrrell:

Pursuant to the Administrative Settlement Agreement and Order on Consent (ASAOC) and Section 3.4(c) of the Statement of Work (SOW) in the above referenced action, EPA is issuing a Notification of Deficiency on incidents related to the Pre-RD Group's sediment sampling efforts in the Portland Harbor Superfund Site.

Based on field oversight reports received, EPA has determined the following to be deficient and will require your immediate attention and action.

- Performance of Sediment Sample Collection Not in Accordance with EPA approved Field Sampling Plan

Pursuant to Section 5.6(c), approved deliverables, such as Standard Operating Procedures (SOPs), Field Sampling Plans (FSPs), and Quality Assurance Project Plans (QAPPs) are incorporated into and enforceable under the ASAOC and respondents shall take any action required by such deliverables, or portion thereof unless any condition to approval is disputed and a dispute resolution is initiated under Section XIV of the ASAOC.

On March 29, 2018, EPA approved the Pre-RD Group's Surface Sediment Sampling FSP pursuant to the ASAOC and SOW, for surface sediment sample collection. During the last month, oversight officials have observed, on at least three occasions, AECOM, on behalf of the Pre-RD Group, taking samples using methodologies different than the EPA approved FSP. These actions could significantly undermine data quality and may not be accepted by EPA. Specifically, oversight officials observed AECOM taking samples not in accordance with section 4.4 of the FSP. Section 4.4 states:

4.4 Contingency Plan for Field Condition Impediments to Collecting Samples

During the sediment grab sampling efforts, the field crew may encounter field conditions that preclude collection of grab samples at the planned stations (e.g., limited access, poor recovery, safety concerns, debris/rock/bedrock causing refusal). A total of three attempts will be made to



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relocate the sample to an area within a 25-foot radius of the planned station.¹ If an acceptable sample cannot be obtained within 25 feet, sample collection from within a 25-foot to 50-foot radius will be attempted.

For stratified random sample locations, if a sediment grab sample cannot be collected from within 50 feet of the target location due to inaccessibility or three failed grab attempts, re-randomized Alternate Location 1 (Figure 5) may be attempted in coordination with the PDI Project Coordinator and EPA. If Alternate Location 1 is inaccessible or three failed grab attempts occur, re-randomized Alternate Location 2 (Figure 6) may be attempted in coordination with the PDI Project Coordinator and EPA. Sample location coordinates for Alternate 1 and Alternate 2 are provided in Tables 3 and 4, respectively. Alternate sampling locations were re-randomized using a GIS randomization program to maintain the geostatistical methods used during development of the PDI Work Plan (Geosyntec 2017).

For SMA target locations, the radius protocol described above will be used. The re-randomization geostatistical methods are not necessary for the SMA locations as a means to address as a contingency plan. In the event that field conditions preclude the field crews from collecting proposed target samples within SMAs, attempts from within a 25-foot to 50-foot radius will be continued until an acceptable grab is obtained.

In addition, EPA continues to encounter challenges in obtaining information from AECOM/Pre-RD on a revised sampling schedule and field sampling data. This information is critical in ensuring proper EPA oversight of sample collections and ensuring necessary information is documented during sampling collection.

Please ensure the above mentioned deficiency and issues are addressed within 15 days of receipt of this notification. EPA expects to work with the AECOM/Pre-RD Group in the meantime to discuss and work toward a revised FSP for sediment sample collection.

Please feel free to contact me at 206-553-7660 or email at zhen.davis@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Davis Zhen".

Davis Zhen, Manager
Site Cleanup Unit 2